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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA RUIC KIMBALL,

Defendant.

CASE NO. 1:23-cr-00221-JAM-BAM

**MOTION TO RESET TRIAL AND BRIEFING
SCHEDULE; ORDER (ECF No. 44)**

STIPULATION

Plaintiff United States of America, by and through its counsel of record, moves as follows:

1. By previous order, this matter was scheduled for trial confirmation on October 14, 2024 and Trial on November 5, 2024 in Fresno, California.
2. Subsequent to that setting, the case was reassigned to Judge John A. Mendez in Sacramento, California.
3. By this motion, the government seeks to continue the trial and set the following hearings:
 - a) Trial confirmation hearing on November 5, 2024
 - b) Trial on December 3, 2024.
4. The government proposes the following motions schedule:
 - a) Motions filing – October 15, 2024
 - b) Oppositions filing – October 22, 2024

1 c) Replies filing – October 29, 2024

2 d) Hearing (if needed) – November 5, 2024

3 5. The government has spoken to defense counsel, who is available on those dates for trial.

4 6. The parties have previously estimated trial to take approximately one week, including
5 jury selection. The government has spoken to defense counsel and this estimate remains.

6 7. Good cause exists for this continuance because:

7 a) This case was previously set for trial on November 5, 2024, in Fresno before a
8 visiting district judge. It was subsequently reassigned to Judge Mendez, who sits in Sacramento.
9 The government discussed available dates with the court.

10 b) The schedule of witnesses and counsel necessitates a later date for trial. The
11 government has spoken to all of its witnesses, who confirmed their availability on December 3,
12 2024.

13 c) Time was previously excluded through November 5, 2024. Seventy (70) days
14 from that date is January 14, 2025.

15 d) The government is seeking a continuance within the period authorized by the
16 Speedy Trial Act, 18 U.S.C. § 3161, et seq.

17 8. Defense counsel has indicated to the government that the defendant will not be agreeing
18 to any further exclusion of time and wishes a trial as early as possible after November 5.

19 9. Nothing in this motion and order shall preclude a finding that other provisions of the
20 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
21 must commence.

22 Respectfully submitted,

23
24 Dated: September 3, 2024

PHILLIP A. TALBERT
United States Attorney

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27 /s/ ROBERT L. VENEMAN-HUGHES
ROBERT L. VENEMAN-HUGHES
Assistant United States Attorney

ORDER

The motion at ECF No. 44, is **GRANTED**. The trial confirmation hearing is **RESET** for **Tuesday, November 05, 2024, at 09:00 a.m., in person**, in Courtroom 6, on the 14th floor of the Robert T. Matsui U.S. Courthouse, in Sacramento, California, before Senior District Judge John A. Mendez. The jury trial is **SET** to commence on **Tuesday, December 03, 2024, at 09:00 a.m.**, in Courtroom 6, on the 14th floor of the Robert T. Matsui U.S. Courthouse, in Sacramento, California, before Senior District Judge John A. Mendez.

The Court hereby **SETS** the following motions schedule:

- a) Motions shall be filed by **October 15, 2024**.
- b) Oppositions shall be filed by **October 22, 2024**.
- c) Any replies shall be filed by **October 29, 2024**.
- d) Motion hearing (if needed) will be set the day of the trial confirmation hearing on **November 05, 2024**.

No further time is excluded pursuant to this order, but nothing in this order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO ORDERED.

Dated: September 04, 2024

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE